

CITY OF NEW YORK
THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT

80 MAIDEN LANE, 20TH FLOOR
NEW YORK, NEW YORK 10038

RICHARD J. CONDON
SPECIAL COMMISSIONER

TELEPHONE: (212) 510-1400
FAX: (212) 510-1550
WWW.NYCSCI.ORG

August 22, 2011

Hon. Dennis M. Walcott
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

NEW YORK CITY
DEPARTMENT OF EDUCATION
2011 AUG 22 AM 11:50
ADMINISTRATIVE TRIALS UNITS

Re: Christopher Azzopardi
SCI Case #2011-1938

Dear Chancellor Walcott:

An investigation conducted by this office has substantiated that -year-old Christopher Azzopardi, a teacher assigned to IS 285 in Brooklyn, inappropriately touched and made improper comments to students.¹

This investigation began in April 2011, when the Office of Special Investigations ("OSI") forwarded to the office of the Special Commissioner of Investigation ("SCI") an OSI online Corporal Punishment Intake Form on which Principal Frederick Underwood lodged a complaint against Azzopardi. Principal Underwood subsequently provided SCI with three handwritten statements from students ("Student A," "Student B," and "Student C").

SCI investigators met with Grade students who were taught Social Studies by Azzopardi. Student A, said that, on three or four occasions beginning sometime after Thanksgiving 2010, Azzopardi grabbed her by the arm and took her from the classroom to the hallway to speak about her grades. On one of those occasions, sometime after the Christmas 2010 recess, when Student A was alone in the hallway with Azzopardi, he attempted to hug her. Student A explained that, with her

¹ Azzopardi was not reassigned as a result of this investigation.

arms at her side, Azzopardi put his arms around her, and attempted to pull her chest to chest with him. Student A pulled back to avoid contact with Azzopardi. According to Student A, Azzopardi asked: "What's your problem?"

Student A continued that Azzopardi also rubbed her upper arm. Moreover, in October 2010, Azzopardi grabbed Student A's cheek. Student A said that, several months ago, on the second day in Azzopardi's new classroom, he grabbed Student A's

Student A reported that, before the 2010 Christmas recess, another student ("Student D") drew a picture of a penis and Azzopardi took possession of it and disseminated the drawing to the students. According to Student A, Azzopardi then told the class that he used to show "it" to girls when he was younger and that he got into a lot of trouble as a result. Student A added that Azzopardi returned the drawing to Student D.

Student B, a -year-old female, said that Azzopardi sometimes patted her on the back and told her that she did something good.² Student B described that conduct as "okay." However, on other occasions, Azzopardi rubbed Student B's back for doing a good job, which was "not okay." Student B said that she was uncomfortable when Azzopardi rubbed her back. Student B added that, on one occasion shortly after Valentine's Day, as she entered the classroom with Student C, Azzopardi grabbed Student B by the arm.³ Student B continued to walk away and Azzopardi tightened his grip on her. Student B reported that she was not injured, but did not like being grabbed. On another occasion, she observed Azzopardi "grab" Student A by the arms and attempt to hug Student A.

Student B continued that, on one occasion when she was exiting the classroom, Azzopardi put his hand on her shoulder and questioned her about schoolwork. Student B explained that Azzopardi got too close to her face when he spoke to her.⁴ Although she was never removed from the classroom, Student B asserted that Azzopardi took Student C into the hallway.

Student B maintained that Azzopardi did not show a drawing of a male's private parts to the students in the class, but Azzopardi told her and the other students that when he was younger, he drew a picture of his private parts and showed the picture to a girl.⁵ Azzopardi informed the students that his mother caught him and beat him.

² Student B has turned

³ In her written statement, Student B said that this occurred on February 16, 2011.

⁴ In her written statement, Student B reported that his "breath was hurting my nose with his smoke scent" and he was squeezing her shoulder.

⁵ In her statement, Student B wrote that this occurred in 's room."

Student C, a -year-old female, said that, in January 2011, Azzopardi pinched her cheek because he was "proud of her work." Student C added that Azzopardi touched her on the arms and shoulders to let Student C know to "keep up the good work." Student C maintained that Azzopardi did not take her from the classroom into the hallway.

Student C confirmed that, in October or November 2010, a boy drew a picture of a male's private part. Student C did not see the picture, but Azzopardi then told her and her classmates that he once drew a picture of "it" and that he showed "it" to a girl. Azzopardi continued that his mother caught him and beat him. Student C said that Azzopardi did not show the drawing of the private part of a male to the students in the class.

SCI investigators met with -year-old male Student D who was not in the same Social Studies class as Student A, Student B, and Student C. Student D asserted that did not draw a picture of a male's private part. Student D did not know of any student who drew such a picture and he did not hear Azzopardi discuss the private parts of a male.

A -year-old male student ("Student E") chosen at random, said that he witnessed Azzopardi bring female classmates into the hallway. Student E added that Azzopardi patted him on the back when he did a good job. According to Student E, Azzopardi shook hands with him and other male students. Student E reported that Azzopardi told him and his classmates that, when he was younger, he drew a picture of his private parts and, when Azzopardi's mother caught him, she smacked him.

A -year-old female student ("Student F"), chosen at random, observed Azzopardi bring male and female students into the hallway.⁶ Student F said that Azzopardi patted her on the back when she did good work. Student F did not hear Azzopardi make comments to the class about his private parts.

A year-old male student ("Student G"), chosen at random, said that Azzopardi did not touch him, but he observed the teacher touch other male and female students. Student G explained that Azzopardi patted students on the back. Student G added that Azzopardi commented to him and his classmates that, when Azzopardi was younger, he drew a picture of a male's private parts and his mother beat him because of the drawing. According to Student G, on another occasion, Azzopardi told students: "Get your ass up and out of class."

Through his attorney, Christopher Azzopardi declined the opportunity to speak with investigators from this office.

⁶ Student F has turned

Hon. D. M. Walcott

-4-

August 22, 2011


It is the recommendation of this office that appropriate disciplinary action be taken against Christopher Azzopardi.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are sending our findings to the New York State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding Christopher Azzopardi. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
of Investigation for the
New York City School District

By:


Regina A. Loughran
First Deputy Commissioner

RJC:RAL:ss

c: Michael Best, Esq.
Theresa Europe, Esq.

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NEW YORK, NEW YORK 10038

RICHARD J. CONDON
SPECIAL COMMISSIONER

TELEPHONE: (212) 510-1400
FAX: (212) 510-1550
WWW.NYCSCI.ORG

September 22, 2010

Hon. Joel I. Klein
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

NEW YORK CITY
DEPARTMENT OF EDUCATION
200 SEP 22 AM 11: 57
601...STUDENT TRIALS UNITS

Re: Reynold Batson
SCI Case # 2010-2773

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that year-old Reynold Batson, a teacher assigned to PS 345 in Brooklyn, engaged in inappropriate conduct.¹

This investigation began on June 1, 2010, when Teacher contacted the Office of the Special Commissioner of Investigation for the New York City School District ("SCI") and reported allegations of improper conduct committed by Batson. informed investigators that had witnessed two year-old male students ("Student A" and "Student B") exit the boy's bathroom followed by Batson who was holding a video camera. Although did not know if the video camera was on and recording, recalled that both students appeared to be angry that Batson had entered the bathroom with this device. noted, however, that the boy's bathroom was usually loud and chaotic.

SCI investigators interviewed Principal Wanda Holt who related that in informed her that witnessed Student A and Student B exit the boy's bathroom visibly upset. Holt continued that then observed Batson exit the bathroom immediately following Student A and Student B while carrying a video camera that was pointed at the students. When Holt asked Batson why he entered the boy's bathroom with a video camera in his hand, Batson explained that he was passing by the bathroom

¹ Batson was not reassigned during the pendency of this investigation.

and heard a loud commotion.² According to Holt, Batson told her that the video camera was not on and he permitted Holt to examine it. After inspecting the video camera, Holt determined that there was no video recorded in the camera.

In an interview with investigators, Student A provided details concerning the incident with Batson. Student A recounted that one day in May 2010, he was in the boy's bathroom in front of the urinal relieving himself when Batson entered the bathroom with a video camera held up to his face. Student A told investigators that the camera was turned on because he saw a blue light on the front of the camera. According to Student A, Batson pointed the camera at him.³ Student A recalled that there were other students in the bathroom with him and that Batson said to one of these students, "you again."⁴ Student A disclosed that he was upset by what had transpired and he reported the matter to _____ who advised him to tell Holt about the incident.

Investigators spoke with Student B who stated that on a date in May 2010, he was inside of the boy's bathroom standing in front of a urinal "peeing" when Batson entered the bathroom with a video camera. Student B related that he could see images of the bathroom displayed on the video camera view finder. Student B complained that Batson pointed the video camera at Student B while he was using the urinal. Student B disclosed that he tried to cover his penis so that Batson could not see him. Student B stated that he and Batson did not speak with one another while in the bathroom together.

Student B further stated that, a week earlier, Student B entered the boy's bathroom and observed that Batson was also in the bathroom. Student B recounted that Batson had a video camera in his possession, although Student B did not know whether the camera was turned on. Student B told investigators that there was another student present in the bathroom and, according to Student B, this student appeared to be nervous.⁵ Student B stated that, on that occasion, he went inside of a stall for privacy. While Student B was washing his hands, Batson exited the bathroom.

Through his attorney, Reynold Batson declined the opportunity to speak with investigators from this office.

It is the recommendation of this office that appropriate disciplinary action be taken against Reynold Batson.

² Holt told investigators that, in the past, male students had mixed soap with water on the floor and used the floor as a skating rink.

³ Student A did not specify where Batson pointed the camera.

⁴ SCI investigators attempted to interview one student who was purportedly in the bathroom at the time of this incident. When the investigators went to the student's home, his father stated that, _____ he was unaware of any incidents involving his son and a teacher in the boy's bathroom. The father of this student would not consent to his son being interviewed by investigators.

⁵ Student B did not identify this student to investigators.

Hon. J. I. Klein

-3-

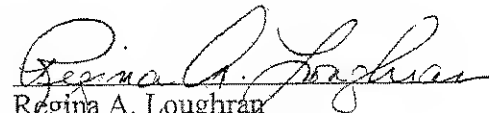
September 22, 2010

We are sending a copy of this letter to the Office of Legal Services. We are also forwarding our findings to the State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact Special Counsel Valerie A. Batista, the attorney assigned to the case. She can be reached at (212) 510-1417. Please notify Ms. Batista within 30 days of the receipt of this letter as to what, if any, action has been taken or is contemplated regarding Reynold Batson Grossman. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
Of Investigation for the
New York City School District

By:


Regina A. Loughran
First Deputy Commissioner

RJC:RAL:VAB:lm

c: Michael Best, Esq.
Theresa Europe, Esq.

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SPECIAL COMMISSIONER

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FAX: (212) 510-1550
WWW.NYCSCI.ORG

May 25, 2010

Hon. Joel I. Klein
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Delroy Giscombe
SCI Case #2010-1360

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that -year-old Delroy Giscombe, a Physical Education teacher assigned to A. Philip Randolph Campus High School in Manhattan, behaved in an inappropriate manner toward female students.¹

This investigation began on March 23, 2010, when Assistant Principal Gerasimos Menegatos contacted the office of the Special Commissioner of Investigation ("SCI") and reported that several female students had alleged that Giscombe stared at them and made inappropriate sexual comments to them.

SCI investigators met with Assistant Principal Menegatos who explained that Dean Sammy Williams approached him and reported that a female student ("Student A") wanted to lodge a complaint of sexual harassment against Giscombe.² Menegatos added that Student A informed him that Giscombe made inappropriate comments to and stared at her and five other female students ("Student B," "Student C," "Student D," "Student E," and "Student F"). Menegatos provided investigators with the statements written by the six students.

¹ Effective March 25, 2010, Giscombe was reassigned to the Manhattan Integrated Service Center located on West 125th Street in Manhattan.

² In an interview with SCI investigators, Williams said that Student A approached and told him that she wanted to file a complaint against Giscombe for sexual harassment. Williams added that he took Student A to Assistant Principal Menegatos's office.

SCI investigators spoke with -year-old Student A who said that Giscombe made her feel very uncomfortable when he stared at her breasts as he talked to her. According to Student A, she caught Giscombe staring at her buttocks on several occasions when she was working out during Gym. Student A also observed Giscombe looking at Student B, Student C, Student D, Student E, and Student F and she described him as staring up and down like he was undressing them with his eyes.

SCI investigators interviewed -year-old Student B who said that the way Giscombe stared at her when she was wearing her Gym outfit made her feel uncomfortable.³ Student B added that, on occasion, Giscombe asked her to stand in front of him and he would spin her around to check how her Gym clothes fit her. According to Student B, at the end of Gym class several weeks earlier, Giscombe pulled her to the side and told her that her Gym shirt was too short and then touched her leg to demonstrate the correct length for the shirt. Student B did not like being touched.

SCI investigators met with -year-old Student C who said that she was uncomfortable with the way that Giscombe stared at her when she was wearing her Gym outfit. Student C added that, on several occasions, Giscombe had her stand in front of him and he would spin her around to check how her Gym clothes fit her. According to Student C, when Giscombe spoke with her, his eyes were focused on her chest. Student C asserted that, on several occasions, she observed Giscombe "checking out the behinds" of female students.

SCI investigators spoke with -year-old Student D who said that, around October 2009, she was sitting in the gymnasium with a male student ("Student G") whose leg was leaning against her. Student D explained that Giscombe approached, asked to speak with her, removed her to the center of the gym, and told her: "[She] should not let boys lean up against [her] because they have thoughts and become sexually aroused." According to Student D, Giscombe added that a boy of that age was able to ejaculate and have sex while leaning up against her. Student D reported that she felt a bit uncomfortable with Giscombe's comments. Student D said that Giscombe "creep[ed] [her] out" when he spoke with her because he stared at her breasts.

SCI investigators interviewed -year-old Student G who remembered sitting next to Student D in Gym class, but did not recall whether Giscombe pulled Student D aside to talk with her.

SCI investigators met with -year Student E who said that she observed Giscombe staring at the bodies of female students when he communicated with them; in particular, he eyed their "behinds" and breasts. According to Student E, in her opinion, a teacher should not look at young female students in the way that Giscombe did.

³ Student B has turned

Hon. J. I. Klein

-3-

May 25, 2010

SCI investigators spoke with -year-old Student F who said that she did not like the way that Giscombe behaved toward female students in Gym class, which she described as staring at them in a sexual way. Student F explained that Giscombe stared at the buttocks and breasts of female students. Student F added that she felt uncomfortable when Giscombe inspected a girl's outfit to see whether it was too tight.

Through his attorney, Delroy Giscombe declined the opportunity to speak with investigators from this office.

It is the recommendation of this office that appropriate disciplinary action be taken against Delroy Giscombe.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are sending our findings to the State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding Delroy Giscombe. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
of Investigation for the
New York City School District

By:


Regina A. Loughran
First Deputy Commissioner

RJC:RAL:ss

c: Michael Best, Esq.
Theresa Europe, Esq.

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RICHARD J. CONDON
SPECIAL COMMISSIONER

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FAX: (212) 510-1550
WWW.NYCSCI.ORG

January 24, 2012

Hon. Dennis M. Walcott
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Andre Harris
SCI Case #2011-4818

Dear Chancellor Walcott:

An investigation conducted by this office has substantiated that -year-old Andre Harris, a school aide assigned to Humanities & The Arts Magnet High School in Queens, made a -year-old female student ("Student A") feel uncomfortable.¹

This investigation began in November 2011, when Office of Equal Opportunity Executive Director Mecca Santana forwarded to the office of the Special Commissioner of Investigation ("SCI") an e-mail message from Principal Rosemarie O'Mard who lodged a complaint against Harris.

SCI investigators met with Principal O'Mard who explained that she learned about the allegation made against Harris by Student A from Parent Coordinator Heather Smith. O'Mard added that she never spoke with Student A.

SCI investigators spoke with Parent Coordinator Smith who said that Student A told her that Harris's inappropriate comments were becoming too much for her to handle. Student A informed Smith that Harris called her "pretty" and remarked that she was "sweet." Student A also reported that, in the stairwell, Harris rubbed her arm, shoulder, and back, which made her very nervous. Student A advised Smith that Harris made comments to her after seeing Student A with male students.

¹ Harris was not reassigned as a result of this investigation. He has turned

Student A, a [redacted] had seen Harris in the school almost every day since her freshman year. Student A recalled that, since 9th Grade, Harris had been telling her that she was "pretty" and "sweet" and he wanted to see photos of her when she was baby. Student A explained that, at first, she thought Harris was "cool," but then his comments started to become annoying. Student A said that, whenever she spoke with a boy, Harris later commented to her that she should "leave the little boys alone."

Student A added that, about two weeks earlier, she entered a stairwell on her way to class when Harris called to her. Student A ignored Harris, but he caught up to her inside the stairwell. Student A told Harris that she was going to class and could not talk. According to Student A, Harris rubbed her arm, shoulder, and upper back, and commented: "Don't act like that [Student A] you know I love you." Student A informed investigators that she was frightened and did not respond immediately, but then advised Harris that she had to get to class. After class, Student A reported Harris to Smith.²

SCI investigators interviewed several female students ("Student B" through "Student E") who were selected at random. Student B, a [redacted]-year-old [redacted] Grader, described Harris as a "cool school aide." Student B said that Harris never made her feel uncomfortable. Student B acknowledged that Harris had patted her on the shoulder and told her that she was "pretty," but added that his conduct did not bother her. Student C, a [redacted]-year-old [redacted] said that she had been listening to Harris's comments for the past three and a half years. Student C believed that Harris was harmless when he commented that she was "pretty" and told her that she "look[ed] nice." Student C reported that Harris had a reputation as being "weird."

[redacted]-year old Student D, a [redacted]th Grader, knew Harris as a school aide who worked in the main office and in the hallways. According to Student D, she consulted with Harris when she had a personal problem and he gave her advice. Student D was aware that Harris made Student A feel uncomfortable. Student E, a [redacted]-year-old in the [redacted]th Grade, knew Harris as a school aide who worked in the main office and in the hallways and who helped out with school plays and the sale of tickets. Student E said that she saw Harris almost every day and they exchanged "hello" and "goodbye." Student E added that Harris never touched her inappropriately and she never saw Harris touch any other student in an inappropriate manner.

In an interview with investigators from this office, Andre Harris said that he had been a school aide for 27 years. Harris explained that his duties included working in the attendance office, acting as a hall monitor, and handing out books to students. Harris added that he assisted teachers in their classrooms when they called him. Harris asserted that he referred to students as "young ladies" and "gentlemen." Harris denied telling a female student that she was "pretty" or "look[ed] good." Harris maintained that he never

² Student A wrote a statement; it was turned over to SCI investigators.

January 24, 2012

told a female student that he "love[d]" her. According to Harris, he never touched a student in an inappropriate manner.

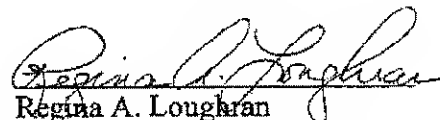
It is the recommendation of this office that appropriate disciplinary action be taken against Andre Harris.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding Andre Harris. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
of Investigation for the
New York City School District

By:


Regina A. Loughran
First Deputy Commissioner

RJC:RAL:ss

c: Michael Best, Esq.
Theresa Europe, Esq.

Bol #16

CITY OF NEW YORK
THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT
25 BROADWAY, 8TH FLOOR
NEW YORK, NEW YORK 10004

EDWARD F. STANCIK
SPECIAL COMMISSIONER

TELEPHONE: (212) 510-1400
FAX: (212) 510-1550
WWW.SPECIALCOMMISSIONER.ORG

March 23, 2001

OFFICE OF THE SPECIAL COMMISSIONER
01 MAR 23 AM 11:28
RECEIVED

Hon. Harold O. Levy
Chancellor
New York City Public Schools
110 Livingston Street; Room 1010
Brooklyn, NY 11201

Re: Jonathan Polayes
SCI Case #2000-3282

Dear Chancellor Levy:

An investigation conducted by this office has substantiated that _____ year-old Jonathan Polayes, a social studies teacher at Chelsea High School in Manhattan, put his arm around an _____ year-old female student ("Student A") and whispered in her ear. Moreover, he touched and spoke to several other girls in an inappropriate manner and made them feel uncomfortable.¹

This investigation began when Student A complained to paraprofessional Shahrizan Perez that Polayes put his arm around her shoulder and said something in her ear that made her feel disgusting. Perez told teacher Sherryl Berti and together they reported the allegation to Assistant Principal Richard Chin. Chin forwarded the information to this office.

Perez not only learned of Polayes's actions from Student A, but she saw it for herself. After Student A complained about Polayes, Perez realized that she had witnessed the incident. She observed Polayes put his arm around Student A's shoulder and pull the girl toward him. According to Perez, it appeared that the teacher whispered in the student's ear.

¹ As a result of these complaints, on November 30, 2000, Polayes was assigned to the Manhattan High Schools Superintendent's Office. On December 8, 2000, he was assigned to Wadleigh Secondary School. He is not teaching.

Student A explained Polayes's behavior toward her in class. According to her, Polayes put his arm around her shoulder while she was sitting in history class and whispered something in her ear.² Student A then reported the teacher's conduct to Perez.

In addition to Student A, Polayes acted inappropriately toward other students as well. A year-old female student ("Student E") told Chelsea High School Principal Arnold Levine that Polayes made her feel uncomfortable. Levine reported that information to this office. According to Student E, one day while she was wearing a skirt in class, Polayes touched her leg. Approximately one week later, the teacher commented to the class that Student E was his best student and proceeded to approach the girl and hug her. Student E tried to step away and felt the teacher's hands slide down her back. At another time, Polayes made a comment to Student E regarding the fact that her thighs were getting smaller.

Another student at Chelsea High School also complained that Polayes's actions made her feel uncomfortable. A year-old female student ("Student D"), who was on the debate team which Polayes coached, asserted that he hugged her on a few occasions. Polayes also joked about Student D's height and weight, commenting that she was getting "chubby."

Others at the school described conduct by Polayes that they either saw personally or heard about from other students. A year-old female student ("Student B") explained that she saw Polayes hug a couple of unidentified students and pat some on the back. She also heard that Polayes made comments to Student E about her thighs. Further, another -year-old female ("Student C") learned from another student that the teacher was looking at Student C's legs one day when she was wearing a dress with a slit on the side.

Through his attorney, Polayes declined an opportunity to speak with this office.

This is not the first time Polayes has been accused of inappropriate conduct. In February 1994, a letter was put in the teacher's file by Chelsea High School administrators regarding a female student's complaint that he had "physical contact with [his] students in such a way that it can be subject to misinterpretation." Polayes was told in the letter that, "[s]ince 'appropriate' [touching] is subjective prudence dictates that we do not touch students." The letter concluded as a warning that if there was another complaint, it would be "turn[ed] over to the appropriate authorities for investigation."

² When first asked, Student A downplayed the physical contact and denied that Polayes ever whispered in her ear. After being questioned about the inconsistencies between her statement and the information provided by Perez and other students, Student A revealed the teacher's conduct. She could not remember what he whispered in her ear but recalled that she "did not like it."

March 23, 2001

Then, in June 1994, Polayes was accused by two female students of making remarks about female students' body parts, including comments about the size of one girl's breasts. This complaint was reported to this office. At that time, it was referred to the Office of Special Investigations ("OSI"). However, OSI has been unable to provide any information about the case, including the outcome.

In 1996, this office received an anonymous letter from a staff member at Chelsea High School, asserting that Polayes had engaged in a continuing pattern of sexual harassment. The staff member wrote that "Polayes has been for years touching female students. He has invited them to his home. He meets them during vacations in the city as he lives in Connecticut. He calls them on his cellular phone if they are at home. He touches them, and squeezes them." This also was referred to OSI. Once again, OSI has been unable to provide any information about the matter.

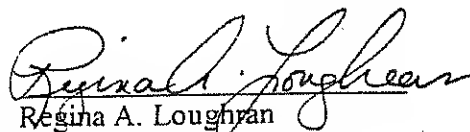
That Polayes continued his inappropriate conduct, even after a warning by the school to stop, clearly demonstrates that he is either unwilling or unable to change his behavior. He has continued to make students feel uncomfortable and therefore, has no place in the New York City public school system. It is the recommendation of this office that Polayes's employment with the BOE be terminated and that this matter be considered should he ever reapply for any type of employment with the Board.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We are also forwarding a copy of our report to the State Education Department for whatever action they deem appropriate. Should you have any inquiries regarding the above, please contact Vicki L. Multer, the attorney assigned to the case. She can be reached at (212) 510-1454. Please notify Ms. Multer within 30 days of receipt of this letter, what, if any, action has been taken or is contemplated against Jonathan Polayes. Thank you for your attention to this matter.

Sincerely,

EDWARD F. STANCIK
Special Commissioner
Of Investigation for the
New York City School District

By:


Regina A. Loughran
First Deputy Commissioner

EFS:RAL:VM:ai

cc: Chad Vignola, Esq.

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August 19, 2009

Hon. Joel I. Klein
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Jonathan Polayes
SCI Case #2009-0272

Dear Chancellor Klein:

An investigation conducted by this office has substantiated that year-old Jonathan Polayes, a teacher assigned to Hostos-Lincoln Academy of Science ("Hostos-Lincoln") in the Bronx, inappropriately touched a number of female students.¹

This investigation began in January 2009, when Hostos-Lincoln Principal Nicholas Paarlberg contacted the Office of the Special Commissioner of Investigation for the New York City School District ("SCI") and reported a complaint lodged by a year-old female student ("Student A").² Student A alleged that Polayes touched her on the hip causing her to feel uncomfortable.³

SCI investigators interviewed Principal Paarlberg who said that he was informed about Student A's complaint by Hostos-Lincoln Dean of Students Deryl Chandler Mason.

SCI investigators spoke with Dean Chandler Mason who confirmed that Student A asked to speak to her and then reported that Polayes touched her on the thigh and that she was uncomfortable with Polayes. Chandler Mason added that she notified Principal Paarlberg and Hostos-Lincoln Assistant Principal ("AP") Marsha Armstrong about Student A's disclosure.

¹ Polayes was not reassigned as a result of this investigation.

² Student A has turned years-old.

³ By fax, Paarlberg provided SCI with a copy of Student A's handwritten statement.

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SCI investigators met with Student A who said that Polayes called her In addition, in November 2008, Student A was next to a female student ("Student B") in the classroom, when Polayes, who was the teacher, touched her thigh. Student A demonstrated how Polayes slid an open flat hand on her thigh and added that he did so twice. Student A explained that she was standing when Polayes touched her. Student A continued that she was uncomfortable with Polayes's touch. Student A reported that Student B, who witnessed the touch, exclaimed: "Whoa."

According to Student A, sometime in December 2008, near Christmas, she was coming from the cafeteria when she was informed by Student B that Polayes told Student B that Student A had big "bodooks." Student B told Student A that Polayes was referring to Student A's buttocks. Student A added that, recently, Polayes had rubbed her neck with a flat hand in a side-to-side motion.⁴

SCI investigators interviewed year-old Student B, who said that, sometime in November 2008, she was in the lab room with Student A, Polayes, and her classmates.⁵ Student B added that Student A was standing and Polayes was sitting in Student A's seat. Student B confirmed that she observed Polayes place his hand on Student A's thigh and, when Polayes walked away, Student A told Student B that she did not like the way Polayes touched her. Student B replied that Student A should tell Polayes not to touch her.

Student B continued that, sometime in December 2008, she was leaving the cafeteria at the same time as Polayes. Student B said that Student A was in the "deli part" of the cafeteria and Student B could see Student A as she was leaving. Polayes asked Student B: "Where's When Student B replied: Don't you mean Polayes answered: "I call her ' but her 'bodooks' is big." Student B added that Polayes pointed to his own buttocks. Student B confirmed that she told Student A about Polayes's comment. According to Student B, Polayes did not touch her inappropriately.

SCI investigators interviewed seven students ("Student C" through "Student I") who were selected at random. -year-old male Student C and year-old female Student D Neither Student C nor Student D heard any inappropriate comments or observed any improper actions by any teacher.

-year-old female Student E, -year-old female Student F, -year-old male Student G, year-old male Student H, and year-old male Student I

⁴ The interview of Student A took place on February 3, 2009.

⁵ Student B has turned -years-old.

⁶ Student C has turned -years-old and Student D has turned years-old.

⁷ Student G and Student H have turned -years-old.

Student E said that Student A told her that Polayes touched her on the leg and made a comment to Student B that Student A had a "big butt." Student E did not witness the touch or the comment. Student E added that she was comfortable in the company of Polayes.

When asked whether any of her teachers could be described as "touchy-feely," Student F replied that Polayes occasionally touched her on the shoulder while he was helping her and she had observed him touch other students on the shoulder as well. Student F added that she had not heard any complaints by other students and she was not affected by Polayes's touches.

Student G said that he did not observe any of his teachers inappropriately touch a student and did not hear any of his teachers speak inappropriately with a student.

According to Student H, during the school year, he observed Polayes touch female students on the neck with an open hand. Student H also witnessed Polayes hugging female students. Student H said that Student A told him that Polayes made a bad comment about her. Student H added that he did not hear Polayes make any inappropriate comments.

Student I reported that he had seen Polayes placing his hand on the shoulders or backs of male and female students. Student I added that he heard Student A complain about Polayes's touches. Student I explained that Polayes did not touch him because he "find[s] some way to pull away." Student I said that he did not hear any inappropriate comments from Polayes.

SCI investigators met with Hostos-Lincoln AP Armstrong who said that, on March 4, 2009, she observed an -- year-old female student ("Student K") sitting in the principal's outer office.⁸ AP Armstrong asked Student K why she was not in class. Student K responded that she was not comfortable going to Polayes's class, but did not elaborate, and wanted to speak with her counselor. Student K told Armstrong that she was not the only one and that another student ("Student J") also was uncomfortable in Polayes's class. AP Armstrong reported that she located -- year-old female Student J and, when she learned that the counselor for Student J and Student K was not present, she brought Student J and Student K to speak to Hostos-Lincoln Social Worker Hilary Kopple.⁹

SCI investigators spoke with Student J on two occasions. During the first interview, Student J said that, sometime during the week of February 23, 2009, she was in Polayes's classroom sitting at her desk near the front of the room, and was close to Polayes's desk. Student J continued that Polayes was sitting at his desk in a chair that had wheels. Student J explained that

⁸ Student K has turned -- years-old.

⁹ Student J has turned -- years-old.

. According to Student J, when Polayes rolled next to her, first lightly pressed, and then swiped his flat hand across the that was on top of her buttocks, three times. Student J said that her buttocks were facing toward the classroom door and not at her classmates so she did not know whether anyone witnessed Polayes touch her buttocks. Student J reported that she was frightened by Polayes's actions.

According to Student J, on two occasions, Polayes tickled her and had physical contact with her breasts. Student J explained that the first occasion was sometime in late January 2009. Student J described standing in line in the cafeteria and Polayes was behind her. Polayes then pushed his hands under Student J's arms and tickled her with his fingertips. Student J said that Polayes's fingertips touched the side of each of her breasts.

Student J explained that, on the second occasion, in February 2009, she left Polayes's classroom and was in the hallway. Student J added that she was not wearing a jacket and there were other students in the hallway, changing classes. Polayes came from behind Student J, placed his hands on each of her arms, and began to tickle her using his fingertips. Student J said that she tried to pull away, but Polayes held her with his right hand and continued to tickle her with his left hand. Student J reported that, while Polayes tickled her, his left hand came to rest on top of her left breast. Polayes stopped tickling Student J and she walked away. Student J did not know whether anyone observed the tickling.

Student J continued that, at the end of February 2009, sometime after the two tickling events, she was sitting outside a classroom across from Polayes's room waiting when Polayes approached and told her that he would give her a candy bar if she was good and that she and Polayes could have fun in his classroom. Student J advised investigators that she was afraid of what Polayes might do to her if she were alone with him in his classroom.

According to Student J, sometime during the week of March 9, 2009, Polayes grabbed her arm as she walked in the hallway and asked why she did not come to his class anymore. Student J responded that it was because of "private things." Polayes replied to Student J: "You know that I always treated you like a young lady." Student J reported that, as she walked away, Polayes looked angry and his look scared her.

SCI investigators interviewed Student K who said that Polayes was "abusing" and "sexually harassing" girls at the school. Student K explained that, in September 2008,

¹⁰ Student L was not interviewed because her parent declined to give consent for her to meet with investigators.

Polayes placed a female student ("Student P") in a bear hug and lifted Student P off the ground while hugging her. Student K demonstrated that Polayes had one of his hands around Student P's torso, while his other hand was underneath Student P, and he used that hand to tap Student P's buttocks.

Student K added that, in September 2008, while in the computer lab, she observed Polayes rub Student J on the buttocks. Student K also reported that, in November 2008, she was walking in the classroom when Polayes, who was walking behind her, tapped her on the buttocks. Student K continued that, on one or two occasions, Polayes called her up to his desk where he was seated, put his hand on her hip, and pulled her close to him so she could pick out a game for the class. According to Student K, Polayes had tickled her on the waist on more than one occasion.

On March 4, 2009, Student K did not want to go to Polayes's class, and she advised him of that fact. Student K added that Polayes walked her to the main office where AP Armstrong observed her.

SCI investigators interviewed Social Worker Kopple who had Student J and Student K prepare written statements when AP Armstrong brought them to meet with her.¹¹ Kopple said that the handwritten statement prepared by Student J accurately reflected what Student J told Kopple on March 4, 2009, except that Student J did not tell her that Polayes touched Student J on the buttocks. Student J informed Kopple that, when the scarf was close to Student J's buttocks, Polayes moved slower. Kopple added that, when she asked Student J whether Polayes had any physical contact with Student J's breasts, Student J responded: "No."

Kopple continued that the statement written by Student K accurately reflected what Student K told Kopple on March 4, 2009, except that Student K never used the term "sexual abuse" and Student K said that Polayes only attempted to touch Student K's buttocks.

SCI investigators spoke with year-old Student P who said that, sometime before Halloween in 2008, Polayes began to tickle and hug her. Student P explained that Polayes used his fingertips and tickled her on the waist. Student P added that Polayes hugged her shoulder to shoulder, usually just to say "Hi." Student P asserted that Polayes never gave her a hug in which they were chest to chest or which caused her to be lifted off the floor. According to Student P, Polayes never touched her "boobs" or "butt" and she never observed Polayes touch the "boobs" or "butts" of any student. Student P said that Polayes never kissed her.

Student P reported that Student J told her that Polayes touched Student J on the buttocks and maintained that Student J was laughing as she told her. Student P was in the classroom on the day when Student J was Student P asserted that

¹¹ SCI was provided with the statements prepared by Student J and Student K.

SCI investigators interviewed Student M who said that Polayes “likes to hug a lot of the girls in the class.” Student M added that, during the 2008-2009 school year, she observed Polayes touching Student P’s buttocks. Student M continued that she saw Polayes pick up Student P from the floor in a hug. Student M also observed Polayes touching the buttocks of Student J and pick up Student J from the floor in a hug.

SCI investigators spoke with a -year-old female student ("Student N") who said that, in February 2009, Polayes began to hug her and blow in her ear. Student N explained that she did not like to be hugged by Polayes and did not like it when Polayes blew in her ear. Student N added that, on one occasion sometime after February, Polayes tickled her at the waist. According to Student N, she observed Polayes tickle Student J and witnessed Polayes hugging her female classmates.

This is not the first time that Polayes has been found to have behaved inappropriately toward female students. In fact, Polayes has a history of touching female students. In 1994, an assistant principal issued Polayes a “strong and final warning” letter regarding his touching of students. In 2001, disciplinary charges were preferred against Polayes and, in a decision dated May 13, 2002, Beverly Gross, the Hearing Officer who presided over the Section 3020-a Education Law Proceeding, found Polayes guilty of misconduct for touching a student and imposed “a penalty of one term’s suspension without pay and a strong warning against touching students even if intended only as a friendly or encouraging gesture.”

In an interview with investigators from this office, Jonathan Polayes did not recall an arbitrator's decision warning him against physical contact with students. Polayes asserted that he did not hug students. He maintained that students hugged him, including

Student F, Student P, and another female student ("Student R"). Polayes claimed that he never hugged or lifted a student off the floor and never tickled a student. Polayes denied that he ever reached under or through the armpits of any students to lift them or for any other purpose. Polayes said that he never had any contact with the breasts of any female student.

Polayes maintained that he did not have any contact with Student J's buttocks when he stopped Student J

According to Polayes, on May 5, 2009, Student J came to him and asked to be back in his class so that she could participate in a scavenger hunt. Polayes named Student J, Student K, and Student M as disciplinary problems in his classroom.

Polayes asserted that he did not know any student with the nickname and that he never referred to any student as Polayes claimed that he never commented about the buttocks of any student and did not refer to buttocks as "bodoos." Polayes denied touching the necks or shoulders of students seated at computer desks in his classroom.

SCI investigators interviewed Student R, one of the students whom Polayes claimed had hugged him. Student R said that she had hugged female teachers, but not any of the male teachers. Student R reported that Polayes had hugged her. Student R added that, during the school year, she observed Polayes hug Student P or Student P hug Polayes "every day." According to Student R, sometime before Christmas in 2008, Polayes picked up Student J and "held her like a baby." Student R demonstrated that Polayes held Student J horizontally in a cradling motion.

During a second interview with SCI investigators, Student J confirmed that, over the course of three weeks in February 2009, while she was seated in her chair in Polayes's classroom, Polayes picked her up by placing one arm underneath her knees and putting his other arm across her back with his hand in her armpit. As he held her, Polayes carried Student J from her seat in the rear of the classroom to the front of the classroom. Student J said that Polayes then placed her down on a desktop in the front of the classroom. Student J added that Polayes picked her up because she was "mad or sad."

Despite his denials, we credit the evidence provided by numerous students, male and female, ranging in age from 11-years-old to 17-years-old. It is the recommendation of this office that Jonathan Polayes's employment be terminated, that he be made ineligible for work with the Department of Education, and that this matter be considered should he apply for any position in a New York City public school in the future.

We are referring our findings to Bronx County District Attorney Robert T. Johnson for whatever action he deems appropriate.

Hon. J. I. Klein

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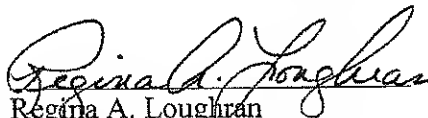
August 19, 2009

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are sending our findings to the State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding Jonathan Polayes. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
of Investigation for the
New York City School District

By:



Regina A. Loughran
First Deputy Commissioner

RJC:RAL:gm

c: Michael Best, Esq.
Theresa Europe, Esq.

CITY OF NEW YORK
THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT

80 MAIDEN LANE, 20TH FLOOR
NEW YORK, NEW YORK 10038

RICHARD J. CONDON
SPECIAL COMMISSIONER

TELEPHONE: (212) 510-1400
FAX: (212) 510-1550
WWW.NYCSCI.ORG

March 1, 2012

Hon. Dennis M. Walcott
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Jonathan Polayes
SCI Case #2012-0391

NEW YORK CITY
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Dear Chancellor Walcott:

An investigation conducted by this office has substantiated that year-old Jonathan Polayes, a member of the Absent Teacher Reserve ("ATR"), behaved in an inappropriate manner toward students in his class when he was assigned to Baruch College Campus High School ("Baruch") in Manhattan.¹

This investigation began in January 2012, when Principal Alicia Pérez-Katz contacted the office of the Special Commissioner of Investigation ("SCI") and lodged a complaint against Polayes.

SCI investigators met with Principal Pérez-Katz who said that Polayes was assigned to Baruch from December 12 through 16, 2011. On December 16, 2011, a number of students informed Pérez-Katz that Polayes had been acting weirdly. The students reported that Polayes liked to "talk himself up" and told the students to "Google" his name. Pérez-Katz added that she performed a Google search of Polayes's name and found a media report, entitled "Bronx Teacher Accused of Touching Girls," referring to Polayes.²

¹ Polayes was not reassigned as a result of this investigation. As an ATR, his assignment changes weekly. During the week of February 27, 2012, Polayes is reporting to Gramercy Arts High School in Manhattan.

² See SCI Case #2009-0272. SCI recommended that Polayes's employment be terminated; however, following a disciplinary proceeding, a hearing officer assessed a penalty of a suspension without pay for one semester.

Principal Pérez-Katz provided investigators with a copy of an e-mail message she received from Polayes on January 18, 2012. Polayes asked to be considered for openings at the school and, noting that he had met with Pérez-Katz only briefly, wrote: "I hope that some feedback did reach you concerning my class coverages while I was at the school as an ATR. I completely enjoyed my brief opportunity and the students."

SCI investigators spoke with six students ("Student A" through "Student F")

Student A, an -year-old male, said that Polayes acted really weird the whole week he was assigned to the school. Student A added that Polayes liked to talk himself up. For example, Polayes told Student A that he knew President Kennedy. According to Student A, he heard Polayes give his e-mail address to Student B, but did not hear him say to Google his name.

Student B, an -year-old female, confirmed that Polayes taught at the school for a week in December 2011, and liked to talk about himself. For example, Polayes told the class that he met President Eisenhower and President Kennedy. Student B said that, on one occasion, before he addressed the class, Polayes whispered in her ear to watch the reaction of the students. According to Student B, Polayes advised her that he could help her obtain an intern position at HBO, he gave her his e-mail address, and he told Student B to contact him regarding the job. Student B never sent an e-mail message to Polayes. Student B did not remember whether Polayes said anything about Google.

Student C, a -year-old female, described Polayes as "a weird person." According to Student C, Polayes "acted like he knew everyone and everything." Student C heard Polayes give Student B his e-mail address. Student C did not hear Polayes tell the class to Google his name.

Student D, a -year-old female, said that, during the week he taught at Baruch, Polayes behaved weirdly. Student D confirmed that Polayes "acted like he knew everyone and everything." Student D added that Polayes told the class that he had a website on Google. Student D did not hear Polayes give out his e-mail address.

Student E, a -year-old female, said that Polayes was a weird teacher. According to Student E, Polayes told Student E that she was "the kind of kid to party with." Student E heard Polayes give his e-mail address to Student B. Student E did not hear Polayes say anything about Google.

Student F, a -year-old male, said that, for the entire week he was assigned to the school, Polayes "talked the whole time" during class. Student F added that Polayes told the class that he had met four different US Presidents. According to Student F, Polayes spoke about his college days and drinking in college. Student F heard Polayes give his Department of Education ("DOE") e-mail address to Student B. Student F reported that

March 1, 2012

Polayes told the class that he was well known in the history field and that they should just Google his name.

In an interview with investigators from this office, Jonathan Polayes denied telling students to Google his name. Polayes acknowledged that he gave his DOE e-mail address to two students, one male and one female, in connection with an internship at HBO. Polayes asserted that the students never sent him an e-mail message and he never sent an e-mail message to a student. According to Polayes, he never asked a student for his or her e-mail address. Polayes denied any wrongdoing.


It is the recommendation of this office that appropriate disciplinary action be taken against Jonathan Polayes.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. We also are sending our findings to the New York State Education Department for whatever action it deems appropriate. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding Jonathan Polayes. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
of Investigation for the
New York City School District

By:


Regina A. Loughran
First Deputy Commissioner

RJC:RAL:ss

c: Michael Best, Esq.
Theresa Europe, Esq.

CITY OF NEW YORK
THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT

80 MAIDEN LANE, 20TH FLOOR
NEW YORK, NEW YORK 10038

RICHARD J. CONDON
SPECIAL COMMISSIONER

TELEPHONE: (212) 510-1400
FAX: (212) 510-1550
WWW.NYCSCI.ORG

NEW YORK CITY
DEPARTMENT OF EDUCATION
2011 JUN 13 PM 1:42
ADMINISTRATIVE TRIALS UNIT

June 13, 2011

Hon. Dennis M. Walcott
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Mark Sears
SCI Case # 2011-1153

Dear Chancellor Walcott:

An investigation conducted by this office has substantiated that year-old Mark Sears, a school aide assigned to Port Richmond High School on Staten Island, made inappropriate comments to a year-old female student ("Student A").¹

This investigation began in March 2011, when Assistant Principal Andrew Greenfield contacted the Office of the Special Commissioner of Investigation for the New York City School District ("SCI") and lodged a complaint against Sears. Greenfield reported that he had been informed by Student A's mother that, on more than one occasion, Sears had made improper comments to Student A. Greenfield further reported that there was one instance when a year-old female student ("Student B") had been present when Sears made inappropriate comments to Student A.

SCI investigators spoke with Greenfield who recounted that in March 2011, Greenfield met with Student A's mother who complained that her daughter was being harassed at school. Greenfield told investigators that based upon the description provided by Student A's mother, he was able to identify the person harassing Student A as Sears.²

¹ Sears was not reassigned during the pendency of this investigation. He has since turned years-old.

² In addition to giving a physical description, Student A's mother indicated that the person bothering her daughter was a football coach who monitored the gym and the bathrooms.

Student A's mother stated that Student A told her that on _____ Sears said to Student A, "is it your birthday; you look sexy." Greenfield continued that Student A's mother complained that on March 8, 2011, Sears asked Student A, "do you go out with [Student C]?" He is a really lucky guy because you are beautiful."³ According to Student A's mother, Sears's comments made Student A feel uncomfortable.

In an interview with investigators, Student A's mother related that approximately one week prior to March 11, 2011, Student A confided that a "teacher" in school had been harassing her. According to Student A's mother, this teacher had been telling Student A that she was "sexy and pretty" since about October 2010. Student A's mother further complained that sometime around March 11, 2011, the teacher had whispered the following comments to Student A: "Is that your boyfriend? He is so lucky; you are so pretty."

SCI investigators interviewed Student A who provided a description of the school employee, previously identified as Sears, as the individual who had been making improper comments to her. Included in Student A's description of Sears was the fact that he coached football and stood outside the bathroom and gym doors.⁴ Student A complained that, since November 2010, Sears had been telling her that she was "beautiful" and "sexy" every day when she walked past him in school. Student A stated that on her birthday on _____ as she was walking to the gym by herself, Sears stated, "is it your birthday today because you look beautiful and sexy."

Student A continued that, on or about March 8, 2011 while she was walking with Student B to the bathroom, Sears called Student A over to him. Both Student A and Student B approached Sears who immediately said to Student A, "do you go out with Student C? He's a really lucky guy because you're so beautiful." After Sears's comments, Student B said to Student A, "I think he likes you." Student A disclosed that Sears's remarks made her feel uncomfortable which was why she told her mother.

Investigators spoke with Student B who recounted that on March 8, 2011 she was walking with Student A to the bathroom when the person whom the students call "Bear" called Student A over to him.⁵ Student B stated that Bear was a football coach and his assignment at the school was to stand outside the gym and bathroom doors. Student B stated that, as she was standing next to Student A, Bear said to Student A, "do you go out with Student C? He's a really lucky guy because you're so beautiful." Student B added that she never heard Bear say anything else to Student A.

³ Student C is Student A's boyfriend. He is _____ years old.

⁴ When interviewed by investigators, Sears acknowledged that he knew of Student A. Sears also told investigators that he coached football, and monitored the boys and girls bathrooms.

⁵ During an interview with investigators, Sears acknowledged that his nickname was "Bear."

Several days after Student A and Student B were interviewed, Student A's mother contacted SCI investigators and provided additional relevant information. Student A's mother related that after school on March 21, 2011, Student A confided about an incident that had occurred at school that day. Student A stated that her boyfriend, Student C, usually walked her to Gym class, but he did not do so on March 21, 2011. When Student A saw Student C later in the day, she learned that he had encountered Sears on his way to meet Student A. According to Student A's mother, Sears asked whether Student A was Student C's girlfriend and Student C responded, "yes." Sears then stated to Student C that Student A was so beautiful and pretty and that he should be good to Student A.

SCI investigators spoke with Student C who recounted that, "sometime in the middle or toward the end of March 2011," Sears asked whether Student A was his girlfriend. When Student C replied "yes," Sears said, "she is beautiful; she is one of the most beautiful girls in the school."

In an interview with SCI investigators, conducted under oath and in the presence of his attorney, Mark Sears denied all of the allegations against him. Sears insisted that he never made any improper comments to Student A and maintained that during the 13 years he had been working at the school, he never disrespected a student in any manner nor would he ever put himself in such a predicament.

Sears told investigators that he had worked at Port Richmond High School coaching football for the past 13 years, and for the past 10 years he also was employed as a school aide. As a school aide, he worked from 9:30 a.m. to 1:30 p.m. and was responsible for maintaining the boys locker room, as well as monitoring the boys and girls bathroom. He positioned himself in the hallway outside of the boys bathroom and would ensure that the students who used the bathroom signed into a log. Sears told investigators that his nickname at the school was "Bear" and the students would often refer to him as "Coach Bear."

When asked whether he knew Student A, Sears responded that he had never been introduced to her, but he had seen her around. Sears stated that, although he did not know Student A, he knew who she was through her boyfriend, Student C.⁶ Sears

contended that he would only see Student A upon occasion, when she was entering the locker room, and they did not interact with one another.⁷ Sears stated that he never had any problems with Student A at school. In response to questioning by SCl investigators, Sears insisted that he never complimented Student A on her appearance nor did he ever tell her that she was beautiful or sexy. Sears stated that he was always sensitive as to how he spoke with any student at school and would certainly never refer to a student as sexy. Sears noted that he had been working with children for most of his life and would never engage in improper behavior.

During the interview, SCl investigators questioned Sears about specific instances in which it was alleged that Sears behaved improperly. Sears was asked if, on [redacted], he stated to Student A: "Is it your birthday today because you look beautiful and sexy." Sears maintained that he never made this comment to Student A and that he did not even know [redacted] was her birthday. Sears was also asked about an incident in March 2011 in which it was alleged that he called Student A over to him, and in the presence of Student B, said to Student A: "Do you go out with Student C? He's a really lucky guy because you're so beautiful." Again, Sears insisted that he never made these comments to Student A and was "baffled by these allegations."⁸

When questioned whether he ever asked Student C about Student A being his girlfriend and then remarked that "she [was] beautiful, she [was] one of the most beautiful girls in the school," Sears replied, "wow, no I don't remember saying anything like that." Sears repeated that [redacted] and noted that Student C was a very polite and respectful student who was always shaking Sears's hand and asking him how he was doing. Sears explained that he could only remember that, when Student A and Student C first began dating in approximately October 2010, he "might" have said to Student A that Student C "was a good dude," or "that's my man right there." Sears insisted that these remarks were the extent of comments made by him and that he never uttered any complimentary remarks or "anything of that nature."

Despite his denials, we credit the accounts provided by the three students, which detailed several improper comments made by Sears. It is the recommendation of this office that appropriate disciplinary action be taken against Sears.

⁷ Sears explained that usually there was a bunch of girls crowded by the locker room door trying to enter and Sears would say to everyone, "good morning ladies," and they would say, "hi Coach Bear."

⁸ Sears told investigators that he knew Student B's mother [redacted] but did not know Student B.

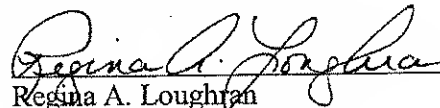
June 13, 2011

We are forwarding a copy of this letter to the Office of Legal Services. Should you have any inquiries regarding the above, please contact Special Counsel Valerie A. Batista, the attorney assigned to the case. She can be reached at (212) 510-1417. Please notify Ms. Batista within 30 days of the receipt of this letter as to what, if any, action has been taken or is contemplated regarding Mark Sears. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
of Investigation for the
New York City School District

By:


Regina A. Loughran
First Deputy Commissioner

RJC:RAL:VAB:gm

c: Michael Best, Esq.
Theresa Europe, Esq.

CITY OF NEW YORK
**THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT**
80 MAIDEN LANE, 20TH FLOOR
NEW YORK, NEW YORK 10038

RICHARD J. CONDON
SPECIAL COMMISSIONER

TELEPHONE: (212) 510-1400
FAX: (212) 510-1550
WWW.NYCSCI.ORG

February 8, 2012

Hon. Dennis M. Walcott
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

**Re: Simon Wilkins
SCI Case No. 2011-2266**

Dear Chancellor Walcott:

An investigation conducted by this office has substantiated that Simon Wilkins, a -year-old Department of Education ("DOE") paraprofessional at J.H.S. 13 in Manhattan, engaged in inappropriate physical contact with and made inappropriate comments to ... and -year-old male students at the school.¹ Specifically, Wilkins twisted the nipples of four students, and placed his hand on the groin and grabbed the testicles of one of these students. While twisting their nipples, Wilkins told each of the four boys that his mother did not give him enough "leche," or milk. Two additional students reported that Wilkins made similar comments to them and other students. One of these students also reported that Wilkins lifted his own shirt and exposed his midriff to show the student a scar.

In May 2011, an investigator from the DOE Office of Special Investigations ("OSI") contacted the office of the Special Commissioner of Investigation ("SCI") and forwarded a copy of an OSI corporal punishment intake form received from J.H.S. 13. Paraprofessional ... complained of Wilkins's conduct concerning three students. The following week, OSI forwarded two additional complaints initiated by ... regarding reports made to her by six students concerning Wilkins; personally observed Wilkins twist the nipples of two of these students.

This office deferred to the New York City Police Department concerning this complaint before SCI opened an investigation in July 2011.

¹ Wilkins was not reassigned. He has since turned

SCI investigators interviewed J.H.S. 13 Principal Jacob Michelman, who referred them to Assistant Principal Major Fareed. The assistant principal reported that [redacted] approached him and said that she was uneasy with what she observed Wilkins say and do in the class to which they were assigned. [redacted] told him that some students approached her to complain that Wilkins had touched them inappropriately. According to Fareed, [redacted] said that she saw Wilkins twist the nipples of two male students ("Student A" and "Student C"). As he did so, Wilkins told each student that his mother did not give him enough milk. [redacted] also said that another member of the class ("Student B") told her that Wilkins touched the student's "private area" and that Wilkins exposed his own midriff and showed the student his "workout cuts." Fareed directed J.H.S 13 Dean of Students Jerome Young to take statements from the students. These documents were provided to the SCI investigators.

In an interview with SCI investigators, [redacted] described a number of events involving Wilkins occurring early in May 2011. While in class, she observed Wilkins twist the nipple of Student A. The student later told [redacted] that as Wilkins did this, he said to the boy that his mother did not "give him enough 'leche.'" Wilkins also asked Student A why he was acting like a [redacted] man." [redacted] said that while in [redacted] class, she saw Wilkins sitting with Student A, who began to cry. The student then accepted [redacted]'s invitation to sit by her. Student A later told [redacted] that Wilkins had touched him between his legs. [redacted] reported that during a [redacted] class the same month, she observed Wilkins [redacted]. According to [redacted] Wilkins grabbed Student A by his groin and arm,

[redacted] also reported that Student B told her that Wilkins was "an undercover pedophile" because Wilkins lifted his own shirt and showed the boy "exercise cuts" on his stomach. According to [redacted], Student B told her that Wilkins followed him into the bathroom and touched him, but the student did not specify what part of his body Wilkins touched. [redacted] also heard Wilkins tell Student B in class that his mother does not give him enough "leche."

[redacted] told SCI investigators that she observed Wilkins twist Student C's nipples (through his shirt) while in Teacher [redacted] classroom. Student C also informed [redacted] of this incident, and told her that he reacted by asking Wilkins what he was doing, and telling the paraprofessional that he was "mad gay." According to [redacted], she observed Wilkins do the same thing to Student D in class. Student D also reported the incident to her, and said that Wilkins told him that his mother did not give him enough "leche." Finally, according to [redacted], another boy in the class ("Student F") told her that Wilkins made the same remark to him.

Dean of Students Jerome Young told SCI investigators that he spoke with some of the students referred to by [redacted]. Student A reported that Wilkins pulled and twisted the boy's nipples. Young said that Student A felt that Wilkins was not trying to hurt him, and that he did this in an apparent response to Student A jumping on his back. Student C also told Young that he observed Wilkins twist Student A's nipples.

Student A, age [redacted] was interviewed by SCI investigators.² The student reported that approximately once a week during the 2010-2011 school year, Wilkins twisted his nipple – over his shirt – during [redacted] class. Student A said that he thought that Wilkins did this to get his attention. The boy reported that as he did this, Wilkins told him that he “didn’t get enough ‘leche’” from his mother. Student A told the investigators that he did not know what Wilkins meant by this. According to Student A, in early May 2011, [redacted] Wilkins

[redacted] and then picked him up by placing one hand on Student A's groin and the other hand on his upper arm. Student A confirmed for the investigators his written description submitted to Young: “... Mr. Wilkins grab[bed] me by my balls.”

The student also reported that in April or May 2011, he placed his head on his desk while in [redacted] class. Wilkins, who was sitting next to the student, touched the boy's leg and told him to pay attention.

SCI investigators interviewed [redacted] year-old Student B. He said that Wilkins “always” told him and the other students that their mothers did not give them enough “leche.” According to Student B, sometime in April or May 2011 while in class, Wilkins told him that he had a “big scar” on his side. Wilkins pulled up his shirt “a little bit” and showed Student B the scar. The student recalled seeing Wilkins in the bathroom. However, contrary to what [redacted] attributed to him, Student B told the investigators that Wilkins did not touch him or speak to him during this encounter. Student B reported that he saw Wilkins pick up Student A by the groin [redacted]

Finally, Student B said that he saw Wilkins twist the nipples of Student C and Student D.

Student C, age [redacted] was interviewed by SCI investigators. He reported that on two occasions during the 2010-2011 school year, Wilkins squeezed the boy's nipples through his shirt. In one of these instances, Wilkins acted in apparent response to the student referring to him as “mad gay.” Wilkins also told Student C the same “leche” comment reported by his classmates. The student told investigators that he thought that the comment had something to do with sex.

² Student A is now [redacted]

Student D, who is [redacted] told SCI investigators of an occasion in April or May 2011 in which Wilkins pinched the boy's nipples over his shirt. He also heard Wilkins make the "leche" remark, and said that he did this when students were acting up in class.

SCI investigators interviewed another 17-year-old male student ("Student E").

Student E's account of Wilkins's references to "leche" comported with that of Student D.

SCI investigators interviewed Student F, age 3. He maintained that he never observed Wilkins touch a student, nor heard him refer to "leche."

Wilkins was assigned to a year-old male student ("Student G") as a at J.H.S. 13. The student, was interviewed by SCI investigators. He reported that in April or May 2011, as he passed Wilkins in the hallway, the paraprofessional twisted the boy's nipple over his shirt. Student G said that he never saw Wilkins touch other students, nor heard him refer to "leche." He said that he did not observe Wilkins touching Student A.

Teacher _____ was interviewed by SCI investigators.⁴ She reported that Wilkins had been assigned to her classroom at J.H.S. 13. The teacher corroborated the reports that Wilkins told the students that their mothers must not have given them enough "leche." _____ said that Wilkins said this when the students were "out of control." The teacher "had no idea" what Wilkins meant, but she did not think that it was "anything bad." _____ said that she never saw Wilkins touch or twist any students' nipples, nor heard that he had done so.

Teacher [redacted] was interviewed by SCI investigators. Wilkins had been assigned to his classroom in the 2010-2011 school year. [redacted] said that he never saw Wilkins touch any student nor, specifically, twist students' nipples. [redacted] also denied having heard Wilkins say the word "leche" in the classroom.

Through counsel, Wilkins declined the opportunity to be interviewed by SCL investigators concerning this matter, and claimed that he would invoke the Fifth Amendment privilege against self-incrimination.

Simon Wilkins, a DOE paraprofessional, inappropriately touched four male students, aged to on multiple occasions. He twisted the boys' nipples while

³ Student F has turned

⁴ is now assigned to J.H.S. 104 in Manhattan.

February 8, 2012

making an unmistakable reference to their mothers' breast milk. He grabbed one student by his testicles. Wilkins also repeated the breast milk remark to two other students. We recommend that his employment be terminated, and that this matter be taken into consideration should he apply for employment with the DOE or its affiliates.

We are referring this matter to New York County District Attorney Cyrus R. Vance, Jr. for whatever action he deems appropriate.

We are sending a copy of our report and of our recommendations to the Office of Legal Services. Should you have any inquiries concerning this matter, please contact Deputy Commissioner Gerald P. Conroy, the attorney assigned to this case. Please advise Deputy Commissioner Conroy within 30 days of receipt of this letter what, if any, action has been taken or is contemplated with respect to Simon Wilkins. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
of Investigation for the
New York City School District

By:


Gerald P. Conroy
Deputy Commissioner

RJC:GPC:gm

c: Michael Best, Esq.
Theresa Europe, Esq.

CITY OF NEW YORK
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FOR THE NEW YORK CITY SCHOOL DISTRICT

80 MAIDEN LANE, 20TH FLOOR
NEW YORK, NEW YORK 10038

RICHARD J. CONDON
SPECIAL COMMISSIONER

TELEPHONE: (212) 510-1400
FAX: (212) 510-1550
WWW.NYCSCI.ORG

February 6, 2012

Hon. Dennis M. Walcott
Chancellor
New York City Public Schools
Department of Education
52 Chambers Street, Room 314
New York, NY 10007

Re: Frederick Wright
SCI Case #2011-4004

NEW YORK CITY
DEPARTMENT OF EDUCATION
2012 FEB 6 AM 11:35
RECEIVED SCI & FINALS UNITS

Dear Chancellor Walcott:

An investigation conducted by this office has substantiated that -year-old Frederick Wright, a paraprofessional who was assigned to PS 96 in Manhattan, had inappropriate text communications with a -year-old male student ("Student A").¹

In September 2011, Student A's father contacted the office of the Special Commissioner of Investigation ("SCI") and lodged a complaint against Wright. The father also contacted the New York City Police Department ("NYPD") which began an inquiry. The NYPD closed its case when the assigned detective determined that the father was uncooperative. In October 2011, SCI opened an investigation.

SCI investigators met with Student A's father who said that, at the end of August 2011, Student A's sister reported her observation of strange text messages on Student A's cell phone. The father conferred with the sister and viewed the text messages, which were from Wright. The father described the content of the text messages: Wright asked whether Student A loved him; asked whether Student A ever woke up in the morning

¹ Wright was not reassigned as a result of this investigation. In June 2011, at his request, Wright transferred to Rockaway Collegiate High School in Queens.

with his "thing hard"; and advised Student A that he should not have sex with a female until he reached 18.²

SCI investigators spoke with Student A who said that Wright was a paraprofessional at PS 96 during the 2010-2011 school year when he was in Grade. Student A explained that Wright was not assigned to him, but he would ask Wright for help with Math. According to Student A, the Math assistance was his only contact with Wright until he began exchanging text messages with the paraprofessional at the end of June 2011. Student A added that he exchanged telephone numbers with Wright at school.

Student A reported that he communicated with Wright by text message from June through October 2011. Student A's description of the content of the messages was consistent with the information provided by his father.

SCI investigators interviewed Student A's year-old sister who attended a New York City Department of Education ("DOE") high school in Manhattan. The sister explained that, in August 2011, she was heading to work when she discovered that the battery on her cell phone was dead; Student A allowed her to take his cell phone.

The sister said that, at work, she took the cell phone out of her pocket, and saw text messages from Wright. Student A had the number listed as "Mr. Wright" so the sister surmised that the individual was a teacher. The sister became suspicious because "Mr. Wright" was trying to communicate as if he were a student. The sister recalled Wright's messages: the first asked whether Student A was mad at him; Wright also asked Student A about sex with girls. The sister added that, in one of the text messages, Wright asked whether Student A woke up in the morning with his "thing hard."

The sister explained that she returned home after work and informed her mother about the text messages. In turn, the mother called Student A's father to tell him about the text messages.

SCI investigators spoke with PS 96 Teacher Jennifer Moore who taught the Grade class to which Wright was assigned as a paraprofessional. Moore described Wright as very quiet and a good worker. Moore did not see Wright act inappropriately toward any student and no one ever complained to her about Wright. Moore said that, at the end of the 2010-2011 school year, Wright informed her that Student A and another male student ("Student B") brought up "topics" to him. Moore added that Wright did not tell her what the students said to him. According to Moore, Wright told her that he advised Student A and Student B that they should speak with their fathers.

SCI investigators visited Student B's residence; a female, identified as Student B's answered the apartment door. The confirmed that Student B lived

² The father gave Student A's phone to SCI, but investigators were unable to copy the messages.

there, but added that he was not home. The accepted a business card with a note which asked Student B's mother to call the assigned investigator. There was no response. The investigator placed a follow up call to the residence; the female who answered hung up when the investigator identified himself. An additional call resulted in no answer. The assigned investigator subsequently learned that Student B was living in and attending school there.

A review of records relating to Wright's cell phone, for the period from June through October 10, 2011, showed Wright's first contact with Student A as July 4, 2011; the last contact was October 2, 2011. During the time period reviewed, Wright sent 175 text messages to Student A and placed one call to him. Student A sent 156 text messages to Wright and placed two calls to him.

Specific contacts Wright had with Student A during the period included: text messages between 8:37 p.m. and 10:00 p.m. on July 4, 2011; text messages between 11:05 p.m. and 11:36 p.m. on July 7, 2011; a text message at 10:04 p.m. and a text message at 10:06 p.m. on July 10, 2011; text messages between 8:33 p.m. and 10:22 p.m. on July 11, 2011; and a text message at 1:24 a.m. and a text message at 11:03 p.m. on July 12, 2011.

In an interview with investigators from this office, Frederick Wright, currently assigned to Rockaway Collegiate High School, said that he previously worked at PS 96 for 12 years. Wright added that, during the 2010-2011 school year, he was the only paraprofessional assigned to the 7th and 8th Grades at PS 96. Wright acknowledged that he had known Student A since the boy was in the 4th Grade. According to Wright, in June 2011, Student A asked Wright questions about puberty, as Student A's body was changing. Wright claimed that he responded by advising Student A to speak with his parents.

Wright confirmed that he exchanged telephone numbers with Student A and began sending text messages to the boy in June 2011. Wright said that he communicated with Student A to see how the boy was doing over the summer. Wright added that he asked Student A about Student B because Student B frequently got in trouble and he wondered how Student B was doing. According to Wright, when he asked whether Student A loved him, he meant as a friend. Wright asserted that Student A responded "not homo," meaning that he loved Wright as a friend and not in a homosexual way.

Wright admitted sending Student A the text message which advised the boy not to have sex with a female until he was 18. Wright maintained that he did not remember sending a text message in which he asked whether Student A woke up with his "thing hard." Wright asserted: "If I did send that text message, I did not mean to."

Hon. D. M. Walcott

-4-

February 6, 2012

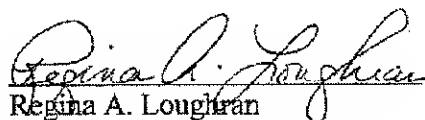
It is the recommendation of this office that appropriate disciplinary action, which could include termination of employment, be taken against Frederick Wright. If he is dismissed, Wright should be made ineligible for work with the DOE and this matter should be considered upon his application for any position in the New York City school system, with one of its vendors, or in one of its facilities.

We are forwarding a copy of this letter and of our report concerning this investigation to the Office of Legal Services. Should you have any inquiries regarding the above, please contact First Deputy Commissioner Regina Loughran, the attorney assigned to the case. She can be reached at (212) 510-1426. Please notify First Deputy Commissioner Loughran within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding Frederick Wright. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Special Commissioner
of Investigation for the
New York City School District

By:


Regina A. Loughran
First Deputy Commissioner

RJC:RAL:ss

c: Michael Best, Esq.
Theresa Europe, Esq.